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CIA director's attack on press intensifies effort to plug leaks

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Washington

Central Intelligence Agency Director William J. Casey is on the attack.

But rather than singling out Soviet spies or international terrorists, the most recent objects of Mr. Casey's wrath are the American news media.

Casey is upset about news reports that touch on United States capabilities to conduct electronic and communications intelligence gathering against the Soviets and others.

The director of Central Intelligence is concerned that American news stories offer a useful addition to the US secrets the Soviets are already able to collect. He is also concerned that detailed news accounts might jeopardize the sources and methods used by US intelligence agencies.

Casey has resurrected a little-used 1950 law and is threatening to prosecute news organizations or individuals who in his view have violated it.

The National Broadcasting Company is the latest addition to the CIA director's list of news organizations that he says have broken the law by disclosing information about US electronic and communications intelligence efforts. The list already includes the Washington Post, the New York Times, Newsweek, Time, and the Washington Times.

The offending news stories have included reports about the US interception of coded Libyan communications related to a terrorist bombing in West Berlin last month and about National Security Agency secrets allegedly passed to the Soviets by accused spy Ronald Pelton.

Administration officials have long complained about leaks and the publishing of classified information in the press but had confined their efforts to actions taken against government employees.

Casey's recent threats to prosecute reporters marks a significant escalation in administration efforts to cut off certain types of government leaks. Earlier crack-downs have been aimed at the leakers themselves; now the administration appears to be targeting the news organizations that might publicize the leaks.

"The media, like everyone else, must adhere to the law," Casey said in a speech last week.

Likewise, Secretary of State George P. Shultz recently told the Overseas Writers Club, "I think our basic problem is that we've lost all sense of discipline.... Whether you are talking about people in government or people outside government, there used to be a lot more restraint on the part of the press in what they print or publish."

Some First Amendment advocates argue that the Constitution protects the press from government efforts to muzzle it, except in limited circumstances when the United States is at war. In addition, they maintain that despite complaints by the Reagan administration, news executives can and do act responsibly in determining what to publish and what might damage US national security.

In order to prosecute a newspaper or television station using Casey's communications intelligence statute, the government would have to prove not only that communications intelligence was disclosed, but also that the accused news organization was aware at the time of its report that it was disclosing sensitive information.

According to Jerry Berman of the American Civil Liberties Union, the administration may be attempting to "set up" news organizations which have already been forewarned by the CIA of the sensitivities of the Pelton case and the Libyan code case.

To publish new sensitive details of those cases now, he says, would make it much easier for the government to prove its case in court by showing that the accused news organization knew of the sensitivities of the information but went ahead with the story anyway.

On Monday, Casey asked the Justice Department to review an NBC "Today" broadcast for possible prosecution under the communications intelligence statute. The Monday morning broadcast, by James Polk, was about the Pelton spy trial, which is beginning this week in Baltimore. It said, in part, "Pelton apparently gave away one of the [National Security Agency's] most sensitive secrets — a project with the code name Ivy Bells — believed to be a top-secret eavesdropping

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program by American submarines inside Soviet harbors."

A Justice Department spokesman declined to comment on the matter.

Critics of the crackdown say even loyal Reagan administration officials have been prone to leak classified information when it supports administration policy or goals. They charge that the administration is concerned only about anti-administration or embarrassing leaks.

"The administration has done most of the leaking, and intentionally so," says Mr. Berman of the ACLU. He adds, "What the administration is saying essentially is that we want to control [all] leaks."